

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 98-328-W/S - ORDER NO. 1999-81
FEBRUARY 5, 1999

IN RE: Application of Kiawah Island Utility, Inc. for) ORDER
 Approval of an Increase in its Water and) DENYING
 Sewer Rates and Charges.) MOTION

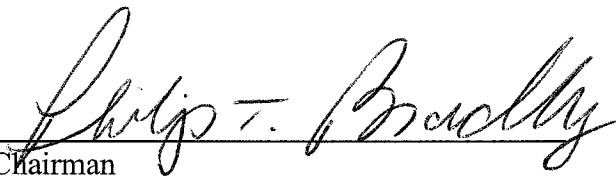
This matter comes before the Public Service Commission of South Carolina (the Commission) on the Motion of Kiawah Property Owners Group (KPOG) and Kiawah Island Community Association to Dismiss this rate increase case filed by Kiawah Island Utility, Inc., (the Utility), or in the alternative, to stay this case until the South Carolina Supreme Court rules on KPOG's appeal of the 1996 rate case. The grounds for said Motion are that the pending case before the Supreme Court involves claims directly related to those set forth in this rate case. The Utility has filed a memorandum in opposition to the Motion, stating that KPOG did not seek a stay of the final decision in the 1996 rate proceeding, that Rule 12(b)(8), SCRCF does not apply, that the issues raised in KPOG's appeal of the Commission's Orders in the 1996 proceeding are not at issue in this case, and other reasons.

We have examined the Motion and the Memorandum in Opposition, and hold that the Motion must be denied. No stay has ever been requested by KPOG or any other party of the 1996 Rate Orders.

Further, the Motion contains no persuasive legal authority for the proposition of either dismissing the Application or staying it. We believe that the Utility has a clear right to move ahead with the hearing and obtain a determination on the Application in this case. The Motion is denied.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)